

ADAMS, J.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MICHAEL L. YOCKEY,)	CASE NO. 5:06CV1192
)	
Petitioner,)	
)	JUDGE JOHN R. ADAMS
v.)	
)	<u>MEMORANDUM OF OPINION</u>
ROB JEFFRIES, Warden,)	<u>AND ORDER RE: DISMISSING</u>
)	<u>PETITIONER'S APPLICATION FOR</u>
Respondent.)	<u>WRIT OF HABEAS CORPUS</u>

Michael L. Yockey filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, alleging five grounds for relief which challenge the constitutional sufficiency of his conviction and sentence for one count of rape, two counts of sexual battery, and two counts of gross sexual imposition.

On July 3, 2006, the case was referred to Magistrate Judge David S. Perelman for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). *See* Order (Doc. 6). On March 9, 2007, the Magistrate Judge submitted a Report and Recommended Decision (Doc. 17) recommending that the petition be dismissed without further proceedings.

Fed. R. Civ. P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but neither party has filed any such objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140

(1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991);
United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommended Decision of the Magistrate Judge is hereby adopted. Michael L. Yockey's Petition for a Writ of Habeas Corpus will be dismissed.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

March 30, 2007
Date

/s/ John R. Adams
John R. Adams
U.S. District Judge